§ 3130.68. Visiting and communication policies.

(a) The county agency shall provide opportunity for visits between the child and parents as frequently as possible but no less frequently than once every 2 weeks at a time and place convenient to the parties and in a location that will permit natural interaction, unless visiting is:

(1) Clearly not in keeping with the placement goal—for example, in adoption or independent living.

(2) Freely refused in writing by the parents.

(3) Not in the child's best interest and is limited or prohibited by court order.

(b) Except in a circumstance in which the county agency has reason to suspect that a child is at risk of abuse as defined in Chapter 3490 (relating to protective services), the county agency may not reduce the opportunity for visitation between parents and their child in placement to less than once every 2 weeks without prior court approval of the reduction. In a situation of suspected child abuse as described in this subsection, the county agency may reduce visitation without prior court approval if it petitions or files a motion with the court requesting a hearing within 24 hours of the action taken.

(c) If visitation between parents and their child in placement is cancelled by the county agency, the county agency shall do one of the following:

(1) Schedule a make-up visit if the cancellation results in less than two visits per month. The county agency is not required to but may schedule make-up visits if the reason for the cancellation was the parent's decision not to attend an agreed upon visit unless a valid excuse was provided at least 48 hours in advance.

(2) Schedule either a make-up visit or reasonable additional visitation if the parents receive more than two visits per month. The county agency is not required to but may schedule make up visits or additional visitation time if the reason for the cancellation was the parent's decision not to attend an agreed upon visit unless a valid excuse was provided at least 48 hours in advance.

(d) The county agency shall provide for the minimum required visits in all cases in which the child's initial placement location has been changed and the change in location makes visitation a hardship on the parent. For this purpose, one of the following circumstances shall be deemed to create a hardship:

(1) The parent is a recipient of any form of public assistance, unless the new placement is closer to the parent's home.

(2) The parent is not a public assistance recipient and the new placement is 150 miles or more away from the county boundaries.

(e) The county agency shall provide for the minimum visitation required in subsection (d) by doing one of the following:

(1) Transporting the child to the county agency.

(2) Transporting the child to the parent's home.

(3) Providing transportation for the parent to visit the child.

(f) The county agency shall, within 24 hours of a child's placement, provide the child's parents with:

(1) A telephone number that provides 24-hour access to the county agency.

(2) A written statement regarding the opportunity for visits as outlined in subsection (a).

(g) The county agency shall, within 15 calendar days of placing a child, provide the parents with the following:

(1) The address of the physical location of the child.

(2) The name of the person, agency or facility responsible for the child's care, unless one of the following applies:

(i) The release of the information in paragraph (1) and this paragraph threatens the health and well-being of the child or of the persons providing the care if the agency documents its basis for its refusal to disclose the information.

(ii) The release of the information in paragraph (1) and this paragraph is limited or prohibited by court order.

(h) The county agency shall, for children in placement on April 24, 1987, provide the parents of the children with the information required by subsections (b) and (c) by October 24, 1987.

(i) Except for emergency shelter placements or when the county agency has reason to suspect that a child is at risk of abuse as defined in Chapter 3490, the county agency shall notify the parent and child at least 15 calendar days prior to a change in the physical location of the placement or the visiting arrangements. The notification shall be provided in accordance with § 3130.62(b) and (c) (relating to parent appeals and fair hearings). The basis for the county agency's decision to refuse disclosure shall be documented in the case record.

(1) In cases in which the placement location or visiting arrangement proposed to be changed was originally ordered by the court, the county agency shall obtain court approval prior to making the change.

(2) If the county agency changes the physical location of the child, it shall, within 15 days of the change, provide the parents of the child in placement with the address of the physical location of child and the name of the person or agency responsible for the child's care. This requirement does not apply if the county agency determines that the disclosure

of the information is a threat to the health and well-being of the child or persons providing care to the child or the disclosure of information is limited or prohibited by court order.

Authority

The provisions of this § 3130.68 issued under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. § § 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3130.68 adopted January 23, 1987, effective April 24, 1987, 17 Pa.B. 392; amended December 21, 1990, effective December 22, 1990, 20 Pa.B. 6269. Immediately preceding text appears at serial pages (141279) to (141280).

Notes of Decisions

Binding Effect

This visitation regulation is not binding on the court, where the rule is clearly internal or interpretative; this regulation binds only the county department of children and youth services to its ‘‘best interest’’ standard. *In re C. J.*, 729 A.2d 89 (Pa. Super. 1999).

Parental Visitation

This section which provides for parental visitation ‘‘as frequently as possible’’ and does not specify the amount of visitation necessary to advance a ‘‘reasonable effort’’ toward making it possible for the child to return to his home is not violative of Federal law. *Winston by Winston v. Children and Youth Services of Delaware County*, 948 F.2d 1380 (3rd Cir. 1991); cert. denied 504 U. S. 956 (U. S. 1992).

Cross References

This section cited in 55 Pa. Code § 3130.67 (relating to placement planning); and 55 Pa. Code § 3130.74 (relating to petitions, or motions for court approval filed with the court).

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